

MINUTES

RULES COMMITTEE OF THE COMMISSION FOR MH/DD/SAS HOLIDAY INN NORTH (2805 HIGHWOODS BOULEVARD – OFF CAPITAL BOULEVARD)

OCTOBER 2, 2002

Attending:

Commission/Committee Members: Floyd McCullouch, Chair, Pender McElroy, William Sims, Lois Batton, Martha Martinat, Dorothy Crawford, Anna Scheyett, Fredrica Turner Stell, Emily Moore, Albert Fisher

Ex-Officio Members: Carol Duncan Clayton, Ronald Morton, Bob Hedrick for Mike Mayer, Joe Donovan, Sally Cameron

Excused: Martha Macon, Don Stedman, Mansfield Elmore, George Jones

Others: Cindy Kornegay, Susan Collins, Marilyn Brothers, Jack Blackley, Jeff Horton, Erin Drinnin, Jim Jarrard, Don Willis, Spencer Clark, Flo Stein, Satana DeBerry, Ge Brogden, Kathy Tobin

Handouts: Rule Coordination Special Provision; Therapeutic Homes for Children and Adolescents Rules Proposed for Repeal – 10 NCAC 14V .5300; Proposed Text of Qualified Substance Abuse Prevention Specialist and Fiscal Note Explanation; and Needs Assessment Survey

Chair Floyd McCullouch called the meeting to order at 10:00 a.m. He welcomed Sally Cameron as the new ex-officio member of the Rules Committee. Introductions from everyone attending were given.

The Minutes from the July 10, 2002 Rules Committee Meeting were distributed at the August 18, 2002 Commission meeting and were accepted by the Rules Committee.

Satana DeBerry, General Counsel for the Department of Health & Human Services, presented the Rule Coordination Special Provision Update. She identified the process to address issues pertaining to duplication and conflict of rules adopted by the Secretary and the Commission for MH/DD/SAS (see handout). A Memorandum of Understanding is being developed between the Department and the Division Commission Chairs. The MOU will be completed by November 15, 2002. It will be available for the Commission for MH/DD/SAS to review. Website link or links will be developed to establish a centralized location for information regarding rulemaking by the Department and the various rulemaking commissions assigned to the Department.

Marilyn Brothers presented a waiver request for 10 NCAC 14V .0104(17)(c)(ii) from Mary Anne Freeman. Ms. Freeman works with The ARC of Haywood County, Inc. Ms. Freeman is requesting a waiver because the current rule specifically requires the experience for a Qualified Professional to be post-graduate. The rules prior to this rule did not specifically speak to when the experience had to be obtained. Ms. Freeman has numerous years of experience and was considered a Qualified Developmental Disability Professional (QDDP) under the previous rules. In May 2001, Ms. Freeman obtained her degree and has been functioning as a QDDP since that time. Under the current rules, Ms. Freeman would not be considered a Qualified Professional until May 2003.

There was much discussion regarding the waiver request and adding language to “grandfather” individuals who met the qualified professional requirements prior to the 11/1/01 temporary rules. A motion was made by Carol Duncan Clayton to search previous minutes for clarification of grandfathering. Martha Martinat seconded the motion. A final motion was made by Pender McElroy to defer action on this waiver request and to do a full and comprehensive study and impact of this action and bring it back to the full Commission meeting in November. Emily Moore seconded the motion and it passed unanimously.

Marilyn Brothers will send a letter of response to the requestor of the waiver regarding the action taken by the Commission.

Pender McElroy will discuss future 2003 Commission meetings at the November 18 Commission meeting.

Proposed 2003 Rules Committee meeting dates were presented to the Committee. A revised schedule will be presented at the November 18 Commission meeting to accommodate conflicts.

Jeff Horton gave a presentation on the proposed repeal of 10 NCAC 14V .5300, Therapeutic Homes for Children and Adolescents (see handout). Pender McElroy made a motion to grant the request for repeal. It was seconded by Fredrica Stell and passed unanimously.

Erin Drinnin discussed the Needs Assessment Survey (see handout). The survey is to be sent back to Erin Drinnin prior to the November 18 Commission meeting.

Spencer Clark gave the update on the Qualified Substance Abuse Prevention Professional proposed rules and Fiscal Note Explanation (see handout). Albert Fisher moved to approve the proposed requests and bring before the full Commission in November. William Sims seconded the motion and it passed unanimously.

Division updates were announced by Don Willis, who represented Tara Larson. He informed the members that his office will be staffing the Commission, effective January 3, 2003.

Don Willis will inform the Commission members at the November 18 meeting the availability of weblinks listing licensed facilities through DFS and DSS.

Don Willis announced that all applications have been received regarding the job description for the advocacy chief position. The reorganization is on schedule to become effective January 2, 2003.

Floyd McCullouch adjourned the meeting at 2:00 p.m..